

**Meyers, Robert (COE)**

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**From:** Meyers, Robert (COE)  
**Sent:** Tuesday, December 09, 2003 5:34 PM  
**To:** 'Silverman, Sharon'  
**Subject:** RE: Per Chief Berger

INQ 03-119

Dear Chief Berger,

Sorry I haven't responded sooner, but I wanted to have the opportunity to run these two issues by our staff attorney. She and I conclude the following:

With respect to question #1, you state that the company that manufactures the product Identastinger has asked you to serve as its national representative. I assume that you will receive compensation for your work on behalf of the company. From what I gather from the facts, this product is being utilized by the law enforcement community, but it isn't clear to me whether the City of North Miami Beach uses this product. Based on our telephone conversation, you advised me that the company wants to pitch its product to individuals and businesses that may have use for this product. I find nothing in the Miami-Dade Conflict of Interest and Code of Ethics Ordinance that prohibits you from serving as the national representative for this product, provided you are not directly involved in marketing this product to the City of North Miami Beach or residents of North Miami Beach.

Regarding question #2 where you plan to serve as a representative for Pre-paid Legal Services, Inc., the only restriction that would create a conflict of interest is if you represented clients who were seeking to file claims against the City of North Miami Beach. This prohibition extends to civil, constitutional, statutory or criminal claims that a party might wish to pursue against the City. As long as the City is a non-party, the Code of Ethics does not prevent you from serving as a representative for Pre-paid Legal Services.

As you stated, you need to comply with the "Outside Employment" section of the Code of Ethics, which includes receiving permission from the City Manager to engage in these outside employment activities before commencing work and disclosing the income derived from these activities by July 1st of the calendar year after the income was earned.

If you have any additional questions concerning the above, please feel free to contact me at your convenience.

Sincerely,

Robert Meyers  
Executive Director

-----Original Message-----

**From:** Silverman, Sharon [mailto:Sharon.Silverman@nmbpd.org]  
**Sent:** Friday, December 05, 2003 2:14 PM  
**To:** Meyers, Robert (COE)  
**Cc:** Berger, William  
**Subject:** Per Chief Berger

The following is per Chief Berger:

Dear Mr. Meyers:

Per our conversation of 12/04/03, I am formally requesting a review by

the  
Ethics Commission of two outside employment opportunities consisting of  
the  
following:

1. To become national representative of a product known as  
IdentaStinger, a  
new in-field drug testing kit used by law enforcement agencies to assist  
police officers in the identification of suspected illegal substances,  
to  
include such drugs as Marijuana, Hashish, Cocaine, Crack Cocaine,  
Heroin,  
MDMA Ecstasy.
2. To become a national and state representative of a prepaid legal and  
identity theft product, both dispensed by Pre-Paid Legal Services, Inc.

My connection and representation of the above-described products will be  
considered outside employment with the knowledge of my current employer;  
with any income derived from such representation reported both to the  
IRS  
and annually as required by Florida State Statute 91-25 on Form  
1-Financial  
Disclosure to the Supervisor of Elections.

Chief Wm. B. Berger  
william.berger@nmbpd.org

TRANSMISSION VERIFICATION REPORT

TIME : 08/08/2005 16:07  
NAME : COMMISSION ON ETHIC  
FAX : 3055790273  
TEL : 3055792594  
SER.# : BRO2J157947

DATE, TIME	08/08 16:06
FAX NO./NAME	3058542323
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COMMISSION ON ETHICS &  
PUBLIC TRUST

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**MIAMI-DADE**  
**COUNTY**

<b>To:</b> Christina Prkic	<b>From:</b> Victoria Frigo, Esq.
<b>Fax:</b> 305 854-2323	<b>Pages:</b> 3, including cover sheet
<b>Phone:</b> 305 854-0800	<b>Date:</b> August 9, 2005
<b>Re:</b> INQ 03-119 William Berger, N. Miami PD, and IdentaStinger	